

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-3691-2018 (O&M)
Date of decision : 18.01.2023**

Ashok Kumar and others **Petitioners**
versus
State of Punjab and others **Respondents**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Bhanu Pratap Singh, Advocate
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Sehajbir Singh, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

Counsels are *ad idem* that the claim of the petitioners seeking regularization stands covered by the Division Bench judgment in LPA No.95 of 2019. Operative part of the judgment reads as under:-

“Thus, once Powercom itself accepted its liability, it is for it to comply with the directions issued by the learned Single Judge. Accordingly, the present appeals are dismissed with the following directions:-

(i) That the Powercom shall firstly consider all employees including those of the erstwhile PSEB for regularization of employees who were working with it for a period of 10 years as on 10.04.2006 in view of the judgment in Uma Devi's case (supra) without any bar whether they were employed through employment exchange or through open advertisement in the press as they can be considered as irregular appointments on account of the length of the service.

(ii) Secondly, on account of the adoption of the policy on 07.05.2014, the employees are entitled for a writ of mandamus for similar consideration as per the policy dated 04.03.1999 and, therefore, the employees who had completed 10 years and had the requisite 80% attendance on 10.04.2006, would be necessarily considered and the stand that it would only be prospective from the date of adoption on 07.05.2014 is rejected.

(iii) Resultantly, the notice dated 02.02.2018 whereby the decision was taken to outsource the part time employees without adjusting them and regularizing their services in pursuance of the directions of the Apex Court in Uma Devi's case (supra) is also held to be bad and illegal.

The needful be done within a period of 2 months by reconsidering them for regularization from the date of receipt of certified copy of the judgment.”

2. Allowed in terms of LPA No.95 of 2019. The necessary exercise vis-a-vis the petitioners be effectuated within two months from the date of receipt of copy of this order.

3. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

18.01.2023

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No